

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND (BALTIMORE DIVISION)

THE CIT GROUP/EQUIPMENT FINANCING, INC., \*

PLAINTIFF, \*

v. \*

CASE No. 03-CV-00197

THE LANDMARK ASSOCIATED COMPANIES, INC., \*

DEFENDANT. \*

\* \* \* \* \*

EMERGENCY EX PARTE MOTION OF THE CIT GROUP/EQUIPMENT FINANCING, INC.  
FOR ORDER AUTHORIZING U.S. MARSHAL  
TO ENTER LOCATIONS WHERE CIT'S EQUIPMENT MAY BE FOUND

Plaintiff, The CIT Group/Equipment Financing, Inc. ("CIT"), by undersigned counsel,  
files this emergency *ex parte* motion (the "Motion"), and states as follows:

1. This Motion is brought on an emergency *ex parte* basis due to circumstances indicating that the defendant and others acting in its behalf may attempt to prevent recovery of certain equipment that is the subject of the writ of replevin issued in this case.
2. CIT filed a *Complaint and Request for Writ of Replevin* (the "Complaint") against The Landmark Associates Companies, Inc. ("Landmark") on January 22, 2003.
3. The Court entered an *Order Directing Issuance of Writ of Replevin* on April 21, 2003, directing the Clerk of the Court to deliver the *Writ of Replevin* (the "Writ") to the United States Marshal (the "Marshal"). The Clerk issued the writ.
4. The Writ orders the Marshal to replevy the equipment listed therein (the "Equipment"), wherever found, within thirty (30) days from the issuance of the Writ.
5. CIT and the United States Marshal are coordinating to recover the equipment.
6. CIT was unable to locate Mr. Gregory, the Resident Agent and owner of Landmark in a related matter, *The CIT Group/Equipment Financing, Inc. v. Gregory*, Case No.

JMF-03-CV-1284, and obtained an *Order Granting Motion for Alternative Service* due to Mr. Gregory's evasion of process.

7. CIT has been unable to locate the Equipment or speak with the elusive Mr. Gregory. CIT engaged the services of a private investigator (the "Investigator") to locate the Equipment.

8. The Investigator located the Equipment at various locations (the "Locations"), as described in the affidavit of Brad Kesler (the "Kesler Affidavit"), the original of which is attached hereto and incorporated herein as Exhibit A.

9. According to the Kesler Affidavit, several of the Locations are secured by locked gates or other structures and owned by people who are sympathetic to Mr. Gregory. As a result, these owners are expected to interfere with attempts to repossess the Equipment.

10. The investigator further learned that Mr. Gregory sold certain units of the Equipment, seriously damaged other units and is in the process of attempting to sell operating units of the Equipment out of trust and in violation of CIT's rights to receive the proceeds thereof. CIT has not received the proceeds of sale of any of the Equipment and stands to lose its security for the obligations described in the Complaint filed in this case unless immediate action is taken without advance warning to the people involved in concealing and disposing of the Equipment.

11. Moreover, upon information and belief, Mr. Gregory was recently arrested and charged with first degree assault and reckless endangerment in Anne Arundel County, Maryland for using a shotgun to prevent the repossession of his pickup truck.

12. It is likely that the Marshal will be unable to serve the Writ and give effect to this Court's prior orders unless the Marshal is authorized to enter upon the Locations to secure the

Equipment. The Marshal may be required to use force to get access to the Equipment.

WHEREFORE, The CIT Group/Equipment Financing, Inc. respectfully requests that:

A. The Court enter an order authorizing the United States Marshal to enter any locations where the Equipment may be found, and if necessary, use such force as is reasonably necessary to gain access and recover the Equipment; and

B. The Court grant such other and further relief as is necessary and appropriate.

/s/ Steven N. Leitess

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